

LAW OFFICES OF
GORDON RAPPOLD & MILLER

Direct: (312) 242-4976
Fax: (312) 278-2479
pjm@grmlawfirm.com

August 12, 2011

Via FedEx Overnight

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

RE: Eagle Electronics, Incorporated
1735 Mitchell Boulevard
Schaumburg, IL 60193

RCRA-05-2011-0006
BD 2751159R005

To Whom It May Concern:

Enclosed please find the third installment due pursuant to the Consent Agreement and Final Order entered on February 25, 2011 in the above referenced matter.

Very truly yours,



Peter J. Miller

PJM/myz
enc.

cc: Regional Hearing Clerk
Diane M. Sharrow
Mark J. Palermo
Larry Detroja

LAW OFFICES OF
GORDON RAPPOLD & MILLER

Direct: (312) 242-4976
Fax: (312) 278-2479
pjm@grmlawfirm.com

May 23, 2011

Via FedEx Overnight

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

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1735 Mitchell Boulevard
Schaumburg, IL 60193

RCRA-05-2011-0006
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Very truly yours,



Peter J. Miller

PJM/myz
enc.

cc: Regional Hearing Clerk
Diane M. Sharrow
Mark J. Palermo
Larry Detroja

11D 981 088800

LAW OFFICES OF
GORDON RAPPOLD & MILLER

Direct: (312) 242-4976
Fax: (312) 278-2479
pjm@grmlawfirm.com

March 11, 2011

Via FedEx Overnight

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

RE: Eagle Electronics, Incorporated
1735 Mitchell Boulevard
Schaumburg, IL 60193

RCRA-05-2011-0006
BD 2751159R005

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Very truly yours,



Peter J. Miller

PJM/myz
enc.

cc: Regional Hearing Clerk
Diane M. Sharrow
Mark J. Palermo
Larry Detroja

GORDON & RAPPOLD, LLC
20 S CLARK STREET STE 2600
CHICAGO, IL 60603
PH. (312) 242-4976

2087

02-0173/0710

March 11, 2011 DATE

PAY TO THE ORDER OF Treasurer, United States of America \$ 4,900.00

Four Thousand Nine Hundred and no/100ths- - - - - DOLLARS



MB FINANCIAL BANK, N.A.
CHICAGO, IL 60607

Eagle Electronics, Incorporated
BD 2751159R005

FOR Docket No. RCRA-05-2011-0006

MP

⑆071001737⑆ 1720007381⑈ 2087

© HARLAND / LIBERTY VENTURE



RE: Eagle Electronics
Mark Palermo to: Peter J. Miller
Cc: Diane Sharrow

03/11/2011 04:05 PM

I apologize for the confusion.

The check should actually be made payable to

"Treasurer, United States of America,"

and the mailing address is

[for checks sent by regular U.S. Postal Service mail]

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

[for checks sent by express mail]

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

[The check must state [the case title], the docket number of this CAFO and the billing document number].

Thank you, Mark

"Peter J. Miller"

Thanks Mark, it will go out today. Peter

03/11/2011 11:48:50 AM

From: "Peter J. Miller" <pjm@grmlawfirm.com>
To: Mark Palermo/R5/USEPA/US@EPA
Date: 03/11/2011 11:48 AM
Subject: RE: Eagle Electronics

Thanks Mark, it will go out today.

Peter

-----Original Message-----

From: Palermo.Mark@epamail.epa.gov [mailto:Palermo.Mark@epamail.epa.gov]

Sent: Friday, March 11, 2011 11:47 AM
To: Peter J. Miller
Cc: Sharrow.Diane@epamail.epa.gov
Subject: Re: Eagle Electronics

Please make the check payable to U.S. Environmental Protection Agency -
Thanks!

From: "Peter J. Miller" <pjm@grmlawfirm.com>

To: Mark Palermo/R5/USEPA/US@EPA

Date: 03/10/2011 12:48 PM

Subject: Eagle Electronics

Mark,

To whom do we make the first settlement installment check payable?

Peter J. Miller
Gordon Rappold & Miller LLC
20 South Clark Street Suite 2600
Chicago, Illinois 60603
312-242-4976 (Direct)
312-278-2479 (fax)
pjm@grmlawfirm.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 25 2011

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL 7009 1680 7665 2391
RETURN RECEIPT REQUESTED

Mr. Peter J. Miller
Attorney at Law
Gordon Rappold & Miller LLC
20 South Clark Street
Suite 2600
Chicago, Illinois 60603

Re: Consent Agreement and Final Order **RCRA-05-2011-0006**
Eagle Electronics
EPA I.D. No.: ILD 981 088 800

Dear Mr. Miller:

Enclosed, please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original CAFO was filed on FEB 25 2011, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$19,600 with interest in four installments in the manner prescribed on page 26 paragraph 152 of the CAFO, and reference payment with the number BD 2751159R005 and Docket Number RCRA-05-2011-0006. Also enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Your payment is due within 30 calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

Sincerely,

Gary J. Victorine
Acting Chief, RCRA Branch
Land and Chemicals Division

Enclosure

NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

**Eagle Electronics, Incorporated
1735 Mitchell Boulevard
Schaumburg, Illinois 60193**

Respondent.

Docket No. RCRA-05-2011-0006

**Proceeding to Commence and Conclude
an Action to Assess a Civil Penalty
Under Section 3008(a) of the Resource
Conservation and Recovery Act,
42 U.S.C. § 6928(a)**

RECEIVED
FEB 25 2011

Consent Agreement and Final Order REGIONAL HEARING CLERK
USEPA
REGION 5

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Eagle Electronics, Incorporated, a corporation doing business in the State of Illinois ("Eagle Electronics" or "Respondent").

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a Consent Agreement and Final Order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction, Waiver of Right to Hearing and Certification

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006(b) and 3008 of RCRA, 42 U.S.C. §§ 6926(b) and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, and the regulations at 40 C.F.R. §§ 260.1 – 279.82.

Statutory and Regulatory Background

12. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store and dispose of hazardous waste.

13. Under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal

program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated under Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939(e)), or of any state provision authorized under Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation of RCRA, requiring compliance immediately or within a specified period of time, or both.

14. The Administrator of U.S. EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, required U.S. EPA to adjust its penalties for inflation on a periodic basis. Under the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, U.S. EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA occurring after March 15, 2004 through January 12, 2009, and a civil penalty of up to \$37,500 per day for each violation occurring or continuing after January 12, 2009.

15. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986). The Administrator of U.S. EPA granted Illinois final authorization to administer certain additional RCRA requirements effective March 5, 1988, 53 Fed. Reg. 126 (January 5, 1988); April 30, 1990, 55 Fed. Reg. 7320 (March 1, 1990);

June 3, 1991, 56 Fed. Reg. 13595 (April 3, 1991); August 15, 1994, 59 Fed. Reg. 30525 (June 14, 1994); May 14, 1996, 61 Fed. Reg. 10684 (March 15, 1996); and October 4, 1996, 61 Fed. Reg. 40520 (August 5, 1996). The U.S. EPA-authorized Illinois regulations are codified at 35 Illinois Administrative Code (IAC) Part 703 *et seq.* See also 40 C.F.R. § 272.700 *et seq.*

16. Pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited. The federally-authorized Illinois regulations that govern (in lieu of analogous federal regulations) the issuance of permits are codified at 35 IAC Parts 702 and 703.

17. Section 3005(e) of RCRA, 42 U.S.C. § 6925(e), includes a provision for "interim status" which allows hazardous waste treatment, storage, and/or disposal facilities (TSD facilities) to operate in certain circumstances pending receipt of a permit. U.S. EPA promulgated standards at 40 C.F.R. Part 265 that are applicable to facilities subject to interim status requirements. The federally-authorized Illinois regulations that govern (in lieu of analogous federal regulations) the interim status standards for owners and operators of TSD facilities are codified at 35 IAC Part 725.

18. Pursuant to 35 IAC § 722.134, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the generator complies with all applicable conditions set forth in 35 IAC § 722.134 [40 C.F.R. § 262.34(a)].

19. A generator who accumulates hazardous waste for more than 90 days is an operator of a TSD facility and is subject to the requirements of 35 IAC Part 725 and the permit requirements of 35 IAC §§ 703.121, 703.180, and 705.121, unless the generator has been granted

an extension to the 90-day period. 35 IAC § 703.121(a), and Sections 3005 and 3006 of RCRA, 42 U.S.C. §§ 6925-6926. See also 40 C.F.R. § 270.1. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status.

20. Similarly, the failure to comply with any of the conditions of 35 IAC § 722.134 subjects the generator of hazardous waste to the requirements of 35 IAC Part 725 and the permit requirements of 35 IAC §§ 703.121, 703.180, and 705.121. Thus, failure to comply with any of the conditions of 35 IAC § 722.134 subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status. See 35 IAC §§ 703.121(a) and (b), 703.180(c) and 705.121(a) [40 C.F.R. §§ 270.1(c), 270.10(a) and (d)].

General Allegations

21. Respondent was and is a "person" as defined by 35 IAC § 720.110, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

22. On December 12, 2007, U.S. EPA conducted an inspection of the facility located at 1735 Mitchell Boulevard, Schaumburg, Illinois, 60193 (the Facility).

23. At all times relevant to this CAFO, Respondent has owned and operated the Facility.

24. The Facility consists of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

25. Respondent manufactures printed circuit boards at the Facility.

26. At all times relevant to this CAFO, the process at the Facility has generated "solid wastes" as defined in 35 IAC § 721.102 [40 C.F.R. § 261.2].

27. At all times relevant to this CAFO, the process at the Facility has generated several hazardous wastes identified or listed in 35 IAC §§ 721.120 - 721.131 or caused a hazardous waste to become subject to regulation under 35 IAC Parts 720-729 [40 C.F.R. Parts 260-270].

28. Respondent is a "generator" of hazardous waste under 35 IAC § 720.110 [40 C.F.R. § 261.2], at all times relevant to this CAFO.

29. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, or the analogous Illinois regulations as part of the applicable state hazardous waste management program for the state of Illinois, or both.

30. At all times relevant to this CAFO, the Facility has had a wastewater treatment area to treat process wastewater generated at the Facility ("Wastewater Treatment Area"). In the Wastewater Treatment Area, process wastewater enters a pre-treatment pit, and chemicals are added for pH adjustment. From there the wastewater is transferred to a series of two tanks, and then piped to the clarifier. The wastewater is then pumped from the clarifier through a sand filter prior to sewerage, and the precipitated solids are then removed by dewatering in a filter press. Wastewater filter cake is removed from the filter press and shipped off-site for disposal. Liquids from the sand filter are then sent to a tank which empties into a raised manhole to the sewer.

31. At all times relevant to this CAFO, the Facility held the wastewater filter cake, a discarded material, for temporary periods in containers before the material was shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

32. At all times relevant to this CAFO, Respondent has identified and characterized its wastewater filter cake in hazardous waste manifests and annual reports as U.S. EPA hazardous waste number F006.

33. At all time relevant to this CAFO, Respondent has generated waste cyanide spent immersion plating solution.

34. At all times relevant to this CAFO, Respondent has identified and characterized its waste cyanide spent immersion plating solution in hazardous waste manifests and annual reports as U.S. EPA hazardous waste number D003 and/or F007.

35. At all times relevant to this CAFO, the F006 wastewater filter cake and D003/F007 waste cyanide spent immersion plating solution generated at the Facility were and are each a "solid waste" as defined in 35 IAC § 721.102 [40 C.F.R. § 261.2].

36. At all times relevant to this CAFO, the F006 wastewater filter cake and D003/F007 waste cyanide spent immersion plating solution generated at the Facility were and are each a "hazardous waste" as defined in 35 IAC § 721.103 [40 C.F.R. § 261.3(a)].

37. At all times relevant to this CAFO, the holding of the F006 wastewater filter cake and D003/F007 waste cyanide spent immersion plating solution at the Facility constitutes hazardous waste "storage" as that term is defined in 35 IAC § 721.102 [40 C.F.R. § 261.2].

38. Respondent notified the U.S. EPA on or about May 20, 1985, that it generates hazardous wastes in an amount greater than 1000 kilograms a month.

39. At all times relevant to this CAFO, Respondent generated during each calendar month, more than 1000 kg of hazardous waste at the Facility.

40. The Facility was and is assigned U.S. EPA Identification Number ILD981088800.

41. Respondent is a "generator" of hazardous waste under 35 IAC § 720.110 [40 C.F.R. § 261.2], at all times relevant to this CAFO.

42. Respondent has never filed, with the U.S. EPA or Illinois Environmental Protection Agency, a RCRA Part A Permit Application for the storage of hazardous wastes at the Facility.

43. The Facility has never operated under interim status, pursuant to 35 IAC § 703.121(a), for the storage of hazardous waste.

44. On December 12, 2007, U.S. EPA conducted a Compliance Evaluation Inspection (CEI) at the Facility.

45. During the December 12, 2007 CEI, Facility personnel allowed the U.S. EPA inspector to observe plant operations related to the handling of hazardous waste and review records at the Facility.

46. On February 11, 2008, U.S. EPA issued a Notice of Violation (the NOV) to Eagle Electronics.

47. Eagle Electronics responded to the NOV on or about May 1, June 11, June 13 and June 16, 2008.

48. On June 30, 2008, U.S. EPA issued a Request for Information under Section 3007 of RCRA, as amended, 42 U.S.C. § 6927, to Eagle Electronics (Information Request).

49. Eagle Electronics responded to the Information Request on or about July 30, August 1, and August 7, 2008 (Information Request Response).

COUNT 1 – Storage of Hazardous Waste Without a Permit by Failing to Meet Generator Conditions- Failure to Properly Label Hazardous Waste Containers

50. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

51. Except as otherwise provided, a generator may, for 90 days or less, accumulate and/or conduct treatment of hazardous waste that is generated on-site without an Illinois hazardous waste permit, provided that the conditions of 35 IAC § 722.134 [40 C.F.R. § 262.34] are met.

52. If the conditions of 35 IAC § 722.134 [40 C.F.R. § 262.34] are not met, then the generator must apply for an operating permit under 35 IAC § 703.180; [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

53. Under 35 IAC § 722.134(a)(3) [40 C.F.R. § 262.34(a)(3)] a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator clearly labels or marks each hazardous waste accumulation container or tank with the words, "Hazardous Waste." See also 35 IAC § 722.134(c)(1)(B) [40 C.F.R. 262.34(c)(1)(ii)].

54. Under 35 IAC § 722.134(a)(2), [40 C.F.R. § 262.34(a)(2)], a generator of hazardous waste may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container of hazardous waste.

55. During the December 12, 2007 CEI, the U.S. EPA inspector inspected the Facility's Wastewater Treatment Area.

56. During the December 12, 2007 CEI, there was a white polyvinyl tote container in the Facility's Wastewater Treatment Area that contained F006 wastewater treatment filter cake ("tote container").

57. During the December 12, 2007 CEI, the tote container was not dated and was not labeled with the words "Hazardous Waste," or other words that identified the contents.

58. During the December 12, 2007 CEI, there was a satellite accumulation container under the wastewater treatment filter press in the Wastewater Treatment Area that contained F006 wastewater treatment filter cake ("filter press container").

59. The filter press container is used to receive hazardous wastewater treatment filter cake from the filter press and transfer the hazardous waste to tote containers to be shipped off-site.

60. During the December 12, 2007 CEI, the filter press container was not labeled with the words "Hazardous Waste," or other words that identified the contents.

61. By failing to label the tote container and the filter press container with the words "Hazardous Waste," or other words that identified the contents, Eagle Electronics failed to mark two hazardous waste accumulation containers with the words, "Hazardous Waste," in violation of 35 IAC §§ 722.134(a)(3) and 722.134(c)(1)(B) [40 C.F.R. §§ 262.34(a)(3) and 262.34(c)(1)(ii)].

62. By failing to mark the accumulation start date on the tote container, Eagle Electronics failed to mark and make visible the accumulation start date on a hazardous waste accumulation container, in violation of 35 IAC § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)].

63. As set forth above, Eagle Electronics did not meet the conditions of 35 IAC § 722.134 [40 C.F.R. § 262.34] necessary to exempt it from the requirement to obtain interim status or apply for and obtain a permit for the storage of hazardous waste. Therefore, Eagle Electronics has stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the regulations found at 35 IAC § 703.180 [40 C.F.R. Part 264, 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

64. Violation at the Facility of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), subjects the Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 2 – Failure to Keep Hazardous Waste Containers Closed

65. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

66. Under 35 IAC § 722.134(a)(1)(A), a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator complies with, among other things, the applicable hazardous waste requirements of Subpart I of 35 IAC Part 725.

67. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134 [40 C.F.R. § 262.34] must comply with the requirements for TSD facilities in Illinois set forth in 35 IAC Part 725 [40 C.F.R. Part 265], including Subpart I of 35 IAC Part 725.

68. Subpart I of 35 IAC Part 725 includes, among other things, 35 IAC § 725.273: Management of Containers.

69. Under 35 IAC § 725.273(a) [40 C.F.R. § 265.173(a)], a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

70. During the December 12, 2007 CEI, the tote container identified in Paragraph 56 of this CAFO was open when hazardous waste was neither being added nor removed.

71. During the December 12, 2007 CEI, the filter press container identified in Paragraph 58 of this CAFO was open when hazardous waste was neither being added nor removed.

72. By failing to keep the tote container and filter press container closed when holding hazardous waste, Eagle Electronics failed to close two accumulation containers holding hazardous waste when hazardous waste was neither being added or removed, in violation of 35 IAC §§ 722.134(a) and 725.273(a) [40 C.F.R. § 262.34(d)(2) and 265.173(a)].

73. Respondent's violation of 35 IAC § 725.273(a) [40 C.F.R. § 265.173(a)], subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

**COUNT 3 – Failure to Comply with Hazardous Waste Container
Inspection Requirements**

74. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

75. Under 35 IAC § 722.134(a)(1)(A), a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator complies with, among other things, the applicable hazardous waste accumulation container requirements of Subpart I of 35 IAC Part 725.

76. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134 [40 C.F.R. § 262.34] must comply with the requirements for TSD facilities in Illinois set forth in 35 IAC Part 725 [40 C.F.R. Part 265], including Subpart I of 35 IAC Part 725.

77. Under 35 IAC § 725.274 [40 C.F.R. § 265.174], the owner or operator must inspect areas where hazardous waste accumulation containers are stored on at least a weekly basis. The owner or operator must look for leaking containers and for deterioration of containers by corrosion or other factors.

78. During the December 12, 2007 CEI, Mr. Kalaria, in response to the U.S. EPA inspector's questioning concerning hazardous waste container inspection practices, stated to the U.S. EPA inspector that Eagle Electronics did not inspect areas where hazardous waste containers were stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

79. In the Information Request, U.S. EPA requested that Respondent provide copies of all documentation of daily inspection of hazardous waste tanks at the Facility, and weekly inspections of hazardous waste containers at the Facility, for the period of January 1, 2005, to the date of the Information Request.

80. In response to the Information Request, Respondent did not provide any documentation of weekly inspections of hazardous waste containers at the Facility for the period of January 1, 2005, to the date of the Information Request.

81. Eagle Electronics failed to inspect areas where containers were stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors, in violation of 35 IAC §§ 722.134(a)(1)(A) and 725.274 [40 C.F.R. §§ 262.34(a)(1)(i) and 265.174].

82. Respondent's violation of 35 IAC § 725.274 [40 C.F.R. § 265.174] subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 4 – Accumulation of Hazardous Waste on Floor of the Facility and Failure to Comply with Preparedness and Prevention Standards

83. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

84. Under 35 IAC § 722.134(a)(1) [40 C.F.R. § 262.34(a)(1)] a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status provided the generator places its hazardous waste of one of the following types of units and meet applicable requirements for the unit used: (A) in containers; (B) in tanks; (C) on drip pads; (D) in containment buildings.

85. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134, [40 C.F.R. § 262.34] must comply with the preparedness and

prevention standards for treatment, storage, and disposal facilities in Illinois set forth in 35 IAC § 725 Subpart C [40 C.F.R. Part 264, Subpart C]. Generators of hazardous waste who accumulate hazardous waste for less than 90 days are also required to comply with the same preparedness and prevention standards. 35 IAC § 722.134(a)(4) [40 C.F.R. § 262.34(a)(4)].

86. 35 IAC § 725.131 [40 C.F.R. § 265.31] requires that an owner or operator of a hazardous waste facility maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

87. During the December 12, 2007 CEI, uncontained hazardous wastewater treatment filter cake or F006 had accumulated on the floor of the Wastewater Treatment Area near the filter press and the tote container.

88. At the time of the December 12, 2007 CEI, Respondent failed to place hazardous waste in containers, tanks or on drip pads in violation of 35 IAC § 722.134(a)(1)(i)-(iii) [40 C.F.R. § 262.34(a)(1)(i)-(iii)].

89. During the December 12, 2007 CEI, there were liquid wastes on the floor of the Wastewater Treatment Area in at least the following locations: (a) adjacent to the clarifier; (b) between the sand filter and the receiving tank; and (c) near the raised manhole.

90. By allowing wastewater filter cake and liquid waste to accumulate and remain on the floor of the Wastewater Treatment Area, Respondent failed to maintain the Facility so as to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health and environment in violation of 35 IAC § 725.131 [40 C.F.R. § 265.31].

91. Respondent's violation of 35 IAC § 725.131 [40 C.F.R. § 265.31] subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 5 – Failing to Comply with Personnel Training Requirements

92. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

93. Under 35 IAC § 722.134(a)(4), a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator complies with, among other things, the applicable requirements of 35 IAC § 725.116: Personnel Training Requirements [40 C.F.R. § 265.16].

94. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134 [40 C.F.R. § 262.34] must comply with the requirements for TSD facilities in Illinois set forth in 35 IAC Part 725 [40 C.F.R. Part 265], including 35 IAC § 725.116: Personnel Training Requirements [40 C.F.R. § 265.16].

95. 35 IAC § 725.116(a) [40 C.F.R. § 265.16(a)] requires that all facility personnel must complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with applicable hazardous waste storage facility performance standards. 35 IAC § 725.116(a)(2) [40 C.F.R. § 265.16(a)(2)] specifies that the training program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they were employed.

96. Under 35 IAC § 725.116(b) [40 C.F.R. § 265.16(b)], hazardous waste management training required under 35 IAC § 725.116(a) [40 C.F.R. § 265.16(a)] must be given to new employees within six months of employment.

97. Under 35 IAC § 725.116(c) [40 C.F.R. § 265.16(c)], an annual review of hazardous waste management training required under 35 IAC § 725.116(a) [40 C.F.R. § 265.16(a)] must be provided to employees involved in hazardous waste management.

98. 35 IAC § 725.116(d)(1) [40 C.F.R. § 265.16(d)(1)] requires that the owner or operator maintain at the facility, job titles for each position related to hazardous waste management at the facility and the name of the employee filling each job.

99. 35 IAC § 725.116(d)(2) [40 C.F.R. § 265.16(d)(2)] requires that the owner or operator maintain at the facility, a written job description (including requisite skill, education and/or other qualifications and duties) of each position related to hazardous waste management at the facility.

100. 35 IAC § 725.116(d)(3) [40 C.F.R. § 265.16(d)(3)] requires that the owner or operator maintain at the facility, a description of the type and amount of initial and continuing training given to each person filling a position relating to hazardous waste management at the facility.

101. 35 IAC § 725.116(d)(4) [40 C.F.R. § 265.16(d)(4)] requires that the owner or operator maintain at the facility, records documenting that the training or job experience required to be provided has been given to and completed by facility personnel.

102. 35 IAC § 725.116(e) [40 C.F.R. § 265.16(e)] requires that the owner or operator keep training records on current personnel until closure of the facility, and training records on

former employees must be kept for a least three years from the date the employee last worked at the facility.

103. During the December 12, 2007 CEI, Respondent did not have or maintain any records that documented that it had ensured that Facility personnel had completed a program of classroom instruction or on-the-job training that taught Facility personnel to perform their duties in a way that ensures the Facility's compliance with applicable hazardous waste storage facility performance standards, that they had reviewed such training annually, that the program was directed by a person trained in hazardous waste management procedures, or that the instruction had taught Facility personnel, hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they were employed.

104. During the December 12, 2007, CEI, Respondent did not have or maintain any records documenting the job title for each position at the Facility related to hazardous waste management, the name of the employee filling each job, as well as a written job description, a written description of the training, or training records on current and former employees.

105. During the December 12, 2007, CEI, Respondent did not have or maintain any training documentation in regard to hazardous waste management maintained at the Facility.

106. In the Information Request, U.S. EPA requested that Eagle Electronics provide to U.S. EPA the following:

(a) Provide all training records for the years 2005 through 2008 that document that Eagle Electronics ensured that Facility personnel had completed a program of classroom instruction or on-the-job training that taught them to perform their duties in a way that ensured the Facility's compliance with applicable storage facility performance standards and that the instruction or training had been reviewed annually.

(b) Provide all records for the years 2005 though 2008 that demonstrate that this program was directed by a person trained in hazardous waste management procedures, and that this program included instruction which taught facility personnel

hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they were employed.

(c) Provide a list of job titles for each position at the facility related to hazardous waste management, the name of the employee filling each job, the written job description, a written description of the training, and training records on current and former employees who worked at the Facility any time from January 1, 2005 through the present.

107. In its response to the Information Request, Respondent did not provide copies of any records or other documents regarding personnel training indicated in the Information Request for the period prior to July 30, 2008.

108. Respondent's failure to ensure that Facility personnel had successfully completed a program of classroom instruction or on-the-job training that taught them to perform their duties in a way that ensured the Facility's compliance with applicable hazardous waste storage facility performance standards, that they had reviewed such training annually, that the program was directed by a person trained in hazardous waste management procedures, and that the instruction had taught Facility personnel, hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, and Respondent's failure to keep any hazardous management training records required by 35 IAC § 725.116, constitute violations of 35 IAC § 725.116(a)-(e) [40 C.F.R. § 265.16(a)(1)-(3),(b),(c),(d)(1)-(4) and (e)].

109. Respondent's violation of 35 IAC §§ 725.116(a) through (e) [40 C.F.R. §§ 265.16(a) through (e)] subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

**COUNT 6 – Failure to Comply With Facility Contingency Plan
and Emergency Procedures**

110. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

111. Under 35 IAC § 722.134(a)(4), a generator may accumulate hazardous waste on-site for less than 90 days without obtaining a permit or interim status if the generator complies with, among other things, the applicable requirements of Subpart D of 35 IAC Part 725, Contingency Plan and Emergency Procedures.

112. Facilities that fail to meet the conditions for a generator permit exemption for waste storage under 35 IAC § 722.134, [40 C.F.R. § 262.34] must comply with the requirements for TSD facilities in Illinois set forth in 35 IAC Part 725, including Subpart D of 35 IAC Part 725.

113. Subpart D at 35 IAC § 725.151(a) [40 C.F.R. § 265.51(a)] requires, among other things, that owners or operators of a facility have a contingency plan for the facility designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water. 35 IAC § 725.151(b) [40 C.F.R. § 265.51(b)] provides that the provisions of the contingency plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

114. 35 IAC § 725.152(a) [40 C.F.R. § 265.52(a)] provides that the contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

115. 35 IAC § 725.152(d) [40 C.F.R. § 265.52(d)] states that the contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date.

116. 35 IAC § 725.152(e) [40 C.F.R. § 265.52(e)] provides that the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems [internal and external], and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

117. 35 IAC § 725.153(a) [40 C.F.R. § 265.53(a)] requires that a copy of the contingency plan be maintained at the facility.

118. 35 IAC § 725.153(b) [40 C.F.R. § 265.53(b)] requires that a copy of the contingency plan be maintained at the facility, and that it must submit a copy to each local police department, fire department, hospital, and state or local emergency response team that may be called upon to provide emergency services at the facility.

119. Upon request from the U.S. EPA inspector during the December 12, 2007 CEI, Respondent could not demonstrate that it had submitted a copy of the Facility's contingency plan to all local police departments, fire departments, hospitals and local response teams that may be called upon to provide emergency services.

120. 35 IAC §§ 725.154(c), (d), and (e) [40 C.F.R. §§ 265.54(c), (d) and (e)], respectively require that a facility must review and revise the facility contingency plan when the facility changes in a way that modifies the emergency response necessary, when information regarding the emergency coordinators changes, or when emergency equipment changes.

121. During the December 12, 2007 CEI, the U.S. EPA inspector requested Respondent to provide for review its contingency plan. In response, Respondent provided the U.S. EPA inspector a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) dated February 28, 2003.

122. At the time of the December 12, 2007 CEI, Respondent had failed to update the February 28, 2003 SPCC Plan, to include information regarding Facility changes that modify the emergency response necessary, changes in information regarding emergency coordinators, and changes in information regarding emergency equipment.

123. At the time of December 12, 2007 CEI, Eagle Electronics failed to submit a copy of the Facility's contingency plan to all local police departments, fire departments, hospitals and local response teams that may be called upon to provide emergency services, in violation of 35 IAC § 725.153(b) [40 C.F.R. §§ 262.34(a)(4) and 265.53 (b)].

124. At the time of the December 12, 2007 CEI, Eagle Electronics failed to update its Facility's contingency plan to reflect changes in the Facility's emergency response, changes in information regarding emergency coordinators and changes in information regarding equipment, in violation of 35 IAC §§ 722.152(d) and (e), and 725.154(c), (d) and (e) [40 C.F.R. §§ 265.52(d) and (e) and 265.54(c), (d) and (e)].

125. Respondent's violation of 35 IAC §§ 725.152, 725.153, and 725.154 [40 C.F.R. §§ 265.52, 265.53, and 265.54] subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 7 – Failure to Make Land Disposal Determination for the Facility's Off-Site Shipments of Hazardous Waste

126. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

127. 35 IAC § 722.111 provides that a person that generates a solid waste must determine if that waste is a hazardous waste using the method specified under this section.

128. 35 IAC § 722.111(d) states that if the generator determines that the waste is hazardous, the generator must refer to 35 IAC Part 724 through 728, 733, and 739 for possible exclusions or restrictions pertaining to the management of the specific waste.

129. 35 IAC Part 728 [40 C.F.R. Part 268] provides regulations concerning Land Disposal Restrictions (LDR) for hazardous waste. 35 IAC § 728.101(a) states that this Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed. 35 IAC § 728.101(b) states that except as specifically provided otherwise in this Part or 35 IAC Part 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste TSD facilities.

130. Under 35 IAC § 728.107(a), a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. The generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste regarding the generator's LDR determination for the waste, and the generator must place a copy of the notice in its own file. The notice must include the information required as set forth in the Generator Paperwork Requirements table under Table I of 35 IAC Part 728.

131. Under 35 IAC § 728.107(a)(8), a generator must retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to Section 728.107 on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site TSD facilities. The three-year retention period

is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

132. During the years 2005, 2006, and 2007, Respondent generated and shipped off-site, multiple shipments of hazardous waste.

133. During the December 12, 2007 CEI, the U.S. EPA inspector reviewed Respondent's records regarding the Facility's hazardous waste off-site disposal. With the exception of one shipment of F006 waste filter cake on December 5, 2007, there were no LDR determination documents for shipments of hazardous waste from the Facility for 2007.

134. As part of the Information Request, U.S. EPA requested Respondent to provide copies for all test results, waste analyses, or other determinations conducted pursuant to 35 IAC § 722.111 (40 C.F.R. § 262.11) or otherwise, for all solid and hazardous wastes (as well as used oil) generated at the Facility during the time period of January 1, 2005, to the date of the Information Request.

135. In its response to the Information Request, Respondent did not provide any LDR determination documents for all hazardous wastes shipped off-site from the Facility for the years 2005, 2006, and 2007.

136. Respondent failed to make LDR determinations and/or provide LDR determination notifications for all hazardous wastes shipped off-site from the Facility for the years 2005, 2006, and 2007, in violation of 35 IAC § 728.107(a) [40 C.F.R. § 268.7(a)].

137. Respondent failed to keep records of all LDR determination notifications made for hazardous wastes shipped off-site from the Facility for the years 2005, 2006, and 2007, in violation of 35 IAC § 728.107(a)(8) [40 C.F.R. § 268.7(a)(8)].

138. Respondent's violation of 35 IAC § 728.107 [40 C.F.R. § 268.7] subjects the Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Count 8 – Failure to Attempt to Make Arrangements to Familiarize Potential Emergency Responders of Handling of Hazardous Waste at the Facility

139. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

140. 35 IAC § 725.137 [40 C.F.R. § 265.37] requires that an owner or operator of a hazardous waste facility attempt to make arrangements to familiarize: 1) police and fire departments with the layout of the facility, the properties of the hazardous waste handled at the facility, etc.; and 2) local hospitals with the properties of the hazardous waste handled at the facility and the types of injuries that could result from fires, or explosions at the facility.

141. During the December 12, 2007 CEL, the Respondent failed to provide the U.S. EPA upon request, any information substantiating that it had attempted to make arrangements to familiarize: 1) police and fire departments with the layout of the Facility, the properties of the hazardous waste handled at the Facility, etc.; and 2) local hospitals with the properties of the hazardous waste handled at the Facility and the types of injuries that could result from fires, or explosions at the Facility.

142. In the Information Request, U.S. EPA requested Respondent to “[i]dentify the date(s) of and provide copies of documentation that substantiates all attempts or arrangements that Eagle Electronics made to familiarize the local police department, fire department and hospital with the properties of the hazardous waste handled at the Facility and the types of injuries that could result from fires, or explosions at the Facility.”

143. In its Response to the Information Request, Respondent did not identify the date(s) of and provide copies of documentation that substantiates all attempts or arrangements that Eagle Electronics made to familiarize the local police department, fire department and hospital with the properties of the hazardous waste handled at the Facility and the types of injuries that could result from fires, or explosions at the Facility, as of the date of the Information Request.

144. Respondent's failure to attempt to make arrangements to familiarize: 1) police and fire departments with the layout of the Facility, the properties of the hazardous waste handled at the Facility, etc.; and 2) local hospitals with the properties of the hazardous waste handled at the Facility and the types of injuries that could result from fires, or explosions at the Facility, constitutes a violation of 35 IAC § 725.137 [40 C.F.R. § 265.37].

145. Respondent's violation of 35 IAC § 725.137 [40 C.F.R. § 265.37] subjects the Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT 9 – Failure to Comply with Hazardous Waste Annual Report Recordkeeping

146. Complainant incorporates paragraphs 1 through 49 of this CAFO as though set forth in this paragraph.

147. 35 IAC § 722.140(b) [40 C.F.R. § 262.40(b)] requires that a large quantity generator must keep a copy of each annual report for three years from the due date of the report.

148. During the December 12, 2007, CEI, the Respondent did not have and could not provide to the U.S. EPA inspector upon request, copies of the 2005, 2006, or 2007 annual reports.

149. Respondent's failure to keep copies of the 2005, 2006 or 2007 annual reports constitutes a violation of 35 IAC § 722.140(b) [40 C.F.R. § 262.40(b)].

150. Respondent's violation of 35 IAC § 722.140(b) [40 C.F.R. § 262.40(b)] subjects the Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Civil Penalty

151. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$19,600. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements, and Respondent's demonstration that it is financially unable to pay a higher civil penalty. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

152. Respondent must pay a \$19,600 civil penalty with interest in four installments as follows:

<u>Installment</u>	<u>Due By</u>	<u>Payment</u>	<u>Principal</u>	<u>Interest</u>
Payment #1	Within 30 days of effective date of CAFO	\$ 4,900.00	\$4,900.00	\$0
Payment #2	Within 120 days of effective date of CAFO	\$4,949.00	\$4,900.00	\$49.00
Payment #3	Within 240 days of effective date of CAFO	\$4,932.74	\$4,900.00	\$32.74
Payment #4	Within 360 days of Effective date of CAFO	\$4,916.41	\$4,900.00	\$16.41
Total		\$19,698.15	\$19,600.00	\$98.15

153. A transmittal letter stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Diane M. Sharrow
Environmental Scientist and Senior Inspector [LR-8J]
Land and Chemicals Division
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Mark J. Palermo
Associate Regional Counsel (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

154. This civil penalty is not deductible for federal tax purposes.

155. If Respondent does not pay an installment payment as set forth in paragraph 152, above, the entire unpaid balance of the civil penalty, and any amount required by paragraph 156, below, shall become due and owing upon written notice by U.S. EPA to Respondent of the delinquency. U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

156. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

157. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

158. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

159. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

160. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

161. The terms of this CAFO bind Respondent, its successors, and assigns.

162. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

163. Each party agrees to bear its own costs and attorney's fees in this action.

164. This CAFO constitutes the entire agreement between the parties.

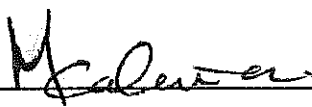
In the Matter of: Eagle Electronics, Incorporated

Eagle Electronics, Incorporated, Respondent

Date

2-11-2011

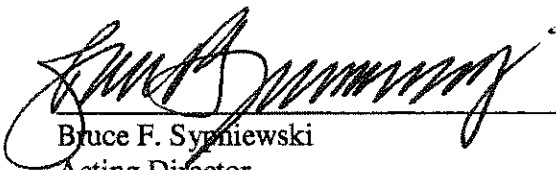
Name


Madhukar S. Kalaria
President and Chief Operating Officer
Eagle Electronics, Incorporated

In the Matter of: Eagle Electronics, Incorporated

United States Environmental Protection Agency, Complainant

2/18/11
Date



Bruce F. Sypniewski
Acting Director
Land and Chemicals Division

In the Matter of: Eagle Electronics, Incorporated RCRA-05-2011-0006

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

2-23-11
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency

RECEIVED
FEB 25 2011
REGIONAL HEARING CLERK
USEPA
REGION 5

CASE NAME: Eagle Electronics, ILD 981 088 800
DOCKET NO: RCRA-05-2011- 0006

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604-3590. I further certify that I then caused true and correct copies of the filed document to be mailed to the following:

Mr. Peter J. Miller
Attorney at Law
Gordon, Rappold & Miller LLC
20 South Clark Street
Suite 2600
Chicago, Illinois 60603

RECEIVED
FEB 25 2011
REGIONAL HEARING CLERK
USEPA
REGION 5

Certified Mail # 7009 1680 0000 7665 2391
Return Receipt Requested

Dated: 2/25/11

Margaret Gray
Margaret Gray
Administrative Assistant
RCRA Branch, Land and Chemical Division
United States Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 353-5028

RCRA-05-2011-0006



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 23 2011

REPLY TO THE ATTENTION OF:
L-8J

MEMORANDUM
ENFORCEMENT CONFIDENTIAL

DATE:

SUBJECT: CAFO for Eagle Electronics
1735 Mitchell Boulevard
Schaumburg, Illinois 60193

FROM: Gary J. Victorine
Acting Chief
RCRA Branch

TO: Bruce F. Sypniewski
Acting Director
Land and Chemicals Division

Susan Hedman
Regional Administrator

/s/ original signed by
Susan Hedman

The attached Consent Agreement and Final Order (CAFO) has been negotiated to resolve alleged violations of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §§6901 *et seq.*, by Eagle Electronics, located at 1735 Mitchell Boulevard, Schaumburg, Illinois 60193. The U.S. Environmental Protection Agency's allegations were based on information provided by Eagle Electronics during an inspection on December 12, 2007, and pre-filing settlement discussions, as well as Eagle Electronics' submission of documents in response to a Notice of Violation, Requests for Information, a Pre-Filing Notice and Opportunity to Confer Letter (Pre-Filing Letter), and request for financial documents.

In summary, Eagle Electronics: 1) failed to clearly label or mark two accumulation containers with the words, "Hazardous Waste" or other words that identified the contents; 2) failed to mark and make visible the accumulation date on one container; 3) failed to close hazardous waste containers; 4) failed to conduct hazardous waste container inspections; 5) failed to place hazardous waste in containers, tanks, containment buildings or drip pads; 6) failed to maintain the facility so as to minimize the release of hazardous waste; 7) failed to ensure that facility personnel completed hazardous waste and contingency plan training;

8) failed to maintain names of employees, job titles, job descriptions, a written description of training and training records; 9) failed to maintain and revise the facility contingency plan; 10) failed to keep records of waste determinations for land disposal; 11) failed to make arrangements with potential emergency responders; and 12) failed to keep copies of annual reports.

In the Pre-Filing Letter, EPA had proposed an administrative civil penalty of \$573,890, which was calculated pursuant to the RCRA Penalty Policy. EPA then met with Eagle Electronics who raised an ability to pay claim. Eagle Electronics also provided affidavits and records that addressed the violations summarized above, as well as documentation supporting a limited ability to pay a civil penalty. Based on a review and analysis of the affidavits and records submitted, EPA determined that Eagle Electronics had an ability to pay a civil penalty in the amount of \$19,600 with interest in four installments, which was agreed upon by EPA and Eagle Electronics.

The CAFO does not include any injunctive relief because Eagle Electronics has previously documented compliance with the violations noted above.

We recommend that you sign this CAFO. Please return the CAFO package to the RCRA Branch of the Land and Chemicals Division for distribution.

Attachments

bcc: ORC (C-14J)
RCRA Branch (LR-8J)



05- 2011- 9910

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 25 2011

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL 7009 1680 7665 2391
RETURN RECEIPT REQUESTED

Mr. Peter J. Miller
Attorney at Law
Gordon Rappold & Miller LLC
20 South Clark Street
Suite 2600
Chicago, Illinois 60603

Re: Consent Agreement and Final Order **RCRA-05-2011-0006**
Eagle Electronics
EPA I.D. No.: ILD 981 088 800

Dear Mr. Miller:

Enclosed, please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original CAFO was filed on FEB 25 2011, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$19,600 with interest in four installments in the manner prescribed on page 26 paragraph 152 of the CAFO, and reference payment with the number BD 2751159R005 and Docket Number RCRA-05-2011-0006. Also enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Your payment is due within 30 calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

Sincerely,

Gary J. Victorine
Acting Chief, RCRA Branch
Land and Chemicals Division

Enclosure

01 PP 1108 20

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

1680 0000 7665 2391

Postage \$ **1.90**

Certified Fee **2.80**

Return Receipt Fee (Endorsement Required) **2.30**

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ **7.00**

OFFICIAL USE

RECEIVED
DIVISION FRONT OFFICE
MAR 01 2004
DIVISION OF LAND AND CHEMICALS
EPA - REGION 5

Sent To: **Mr. Peter S. Miller**
Street, Apt. No., or PO Box No. **80 South Clark Street**
City, State, ZIP+4[®] **Chicago, Illinois 60603**

PS Form 3800, August 2006
See Reverse for Instructions

RCRA 3008(a) CONSENT AGREEMENT AND FINAL ORDER CONCURRENCE/ROUTING FORM

PART I. Background

FACILITY NAME Eagle Electronics
 A ID# ILD 981-088 800
 RCRA ASSIGNEE Diane Sharrow

DOCKET NUMBER _____
 ASST. REG. COUNSEL Mark Palermo (6-6082)
 PHONE # OF STAFF 6-649

PART II. Proposed CAFO and Concurrences- The proposed CAFO package must include the following documents:

- Tab 1. Transmittal letter to Respondents attorney
- Tab 2. Proposed CAFO (2 Copies)
- Tab 3. Penalty Information
- Tab 4. Initial Complaint (or most recently amended)
- Tab 5. Initial complaint penalty calculation sheets and BEN
- Tab 6. Addressed envelopes / Certified Mail/Return Receipt Admin Staff

	INITIALS	DATE	CONCUR	CONCUR WITH MODIFICATIONS
1. RCRA ASSIGNEE <u>Sharrow</u>	<u>DMS</u>	<u>8/3/10</u>	<input checked="" type="checkbox"/>	<u>DMS 12/6/10 changes not corrections</u>
2. RCRA SECTION CHIEF <u>Tereza</u>	<u>DMS</u>	<u>1/12/11</u>	<input checked="" type="checkbox"/>	<u>DMS for LMT 12/10/10 DMS for LMT 1/12/11</u>
3. ASST. REG. COUNSEL <u>Palermo</u>	<u>MPD</u>	<u>1/7/11</u>	<input checked="" type="checkbox"/>	<u>(see attached)</u>
4. RCRA BRANCH CHIEF <u>Little Victorine</u>	<u>BR</u>	<u>1/13/11</u>	<input checked="" type="checkbox"/>	

The RCRA Chief returns the proposed CAFO package to the RCRA Assignee for corrections, if necessary, and for delivery to the Asst. Regional Counsel who will send two copies of the proposed CAFO to the Respondent.

PART III. Final CAFO Concurrences and Signature - After the Respondent has signed both copies of the proposed CAFO, the final CAFO package must include the following documents:

- Tab 1. Memorandum to LCD Director
- Tab 2. Transmittal Letter
- Tab 3. Both CAFOs bearing the original signature of the Respondent
- Tab 4 _____
- Tab 5. Certificate of Service
- Tab 6. Addressed envelopes / Certified Mail/Return Receipt

	Initials	Date	Concur
1. RCRA STAFF ASSIGNEE <u>Sharrow</u>	<u>DMS</u>	<u>8/3/10</u>	<input checked="" type="checkbox"/>
2. RCRA SECTION CHIEF <u>Tereza</u>	<u>Ling</u>	<u>2/16/11</u>	<input checked="" type="checkbox"/>
3. ASST. REGIONAL COUNSEL <u>Palermo</u>	<u>MPD</u>	<u>2/16</u>	<input checked="" type="checkbox"/>
4. ORC SECTION CHIEF <u>Fox</u>	<u>CFM</u>	<u>2-16-11</u>	<input checked="" type="checkbox"/>
5. RCRA BRANCH CHIEF <u>Little Victorine</u>	<u>Jay Victorine</u>	<u>2/16/11</u>	<input checked="" type="checkbox"/>
6. DIRECTOR, LCD <u>Sypniewski</u>	<u>BR</u>	<u>2/18/11</u>	<input checked="" type="checkbox"/>
7. REGIONAL ADM. (MULTI-STATUTE ONLY)			

After signing, return the entire package to the RCRA Branch Administrative Assistant for filing with the Regional Hearing Clerk.

PART IV. Filing and Mailing

Date filed _____ Initials _____ (Administrative Program Assistant or, if needed, Section Secretary)
 Date mailed _____ Initials _____ (The Section Secretary will mail and distribute the copies)

REGION 5 CONCURRENCE SHEET (ORC)

SUBJECT: CAFO/complaint - Eagle Electronics, Schaumburg, IL

SF Site Charging "Account String." (SF Account String): 20[10] T 05D 302EC7C _____

Fill in blanks with the 4 digit Superfund Site ID # + the 2 letter action Code and the 2 digit OU code, if applicable

CONTROL NO. (if applicable): _____

Originator (Mark Palermo) MP Date 1/4/11

Section Chief () OF Date 1-4-11

Branch Chief : please check statute

COHEN ☐ CAA]

KYTE ☐ CERCLA, ☐ CAA112(r), ☐ CWA311]

LUPTON ☐ CWA, ☐ SDWA, ☐ GLLA]

NELSON ☒ RCRA, ☐ TSCA, ☐ FIFRA, ☐ EPCRA-313]

TW Date 1/4/11

Deputy Regional Counsel ^{rec'd 1/6/2011} (Frey)

BLP Date 1/6/2011

Regional Counsel (Kaplan)

RAK Date 1/6/11

(Please indicate name of appropriate Division(s) where concurrent signoff is required.)

NAME OF DIVISION _____

Assigned Staff Person () _____ Date _____
Division Director () _____ Date _____
Other () _____ Date _____

NAME OF DIVISION _____

Assigned Staff Person () _____ Date _____
Division Director () _____ Date _____
Other () _____ Date _____

OFFICE OF THE REGIONAL ADMINISTRATOR

Deputy Regional Administrator (Mathur) _____ Date _____

Regional Administrator (Hedman) _____ Date _____

Other (if applicable) () _____ Date _____

Other (if applicable) () _____ Date _____

A White House Executive Memorandum dated June 1, 1998, mandates that ".....The Federal Government's writing must be in plain language." This requirement became effective January 1, 1999. Originator and first level supervisor are responsible for assuring that documents are in plain language. All other reviewers should consider plain language in their reviews. (See plain language checklist of reverse side of this sheet.)

COMMENTS: _____

RETURN TO: _____

Plain Language Checklist

Write in the active voice. When you use the active voice, the subject of the sentence acts: “EPA issued the permit to X.” When you use the passive voice, the subject of the sentence is acted upon: “The permit was issued to X.” If you can ask “By whom?” or “By what?” after the verb, the verb is in the passive voice. A passive verb has a form of the verb “to be” (am, is, are, was, were, be, being, been) plus a main verb usually ending in “en” or “ed.”

Use action verbs. Use base verbs instead of nouns derived from verbs.

<i>Don't Say</i>	<i>Say</i>	<i>Don't Say</i>	<i>Say</i>
<i>is applicable to</i>	<i>applies to</i>	<i>make payment</i>	<i>pay</i>
<i>give consideration to</i>	<i>consider</i>	<i>take action</i>	<i>act</i>

Use personal pronouns to represent the reader and to refer to EPA. For example, “The United States Environmental Protection Agency (EPA, we) is issuing an order to X (you, your). We are offering you...”

Write short sentences to aid comprehension. Put one main thought in most sentences. Divide a long sentence into two or three short sentences. Remove all unnecessary words. If there are several conditions or subordinate provisions, make a list.

Omit surplus words and redundancies. Question the need for ~~each and~~ every word.

<i>Don't Say</i>	<i>Say</i>	<i>Redundancies</i>
<i>for the period of</i>	<i>for</i>	<i>true and correct</i>
<i>in order to</i>	<i>to</i>	<i>cease and desist</i>
<i>in the event that</i>	<i>if</i>	<i>order and direct</i>

Place words carefully to reduce ambiguity. Keep subjects and objects close to verbs. Put modifying phrases and words such as “only” and “always” next to the word they modify. She only said that he hired her.” She said that only he hired her. She said that he hired only her.

Be consistent. Don't use different words to refer to the same thing (car, vehicle, automobile).

Limit your use of abbreviations and capital letters. Use abbreviations only to refer to terms that are central to the document. Do not abbreviate terms that you only use a few times. Use capital letters to begin sentences and proper names and for headings. You should reconsider all other uses.

RCRA 3008(a) ADMINISTRATIVE COMPLAINT CONCURRENCE/ROUTING FORM

PART I. Background

FACILITY NAME: Eagle Electronics, Inc.
 A ID#: ILD981088800
 RCRA ASSIGNEE: Diane Sharrow

DOCKET NUMBER:
 ASST. REG. COUNSEL: Mark Palermo
 PHONE # OF STAFF: 312/886-6199

PART II. Proposed Complaint and Concurrences- The Complaint package must include the following documents:

- Tab 1. Transmittal letter to Respondents Registered Agent
- Tab 2. Complaint, including Penalty Table
- Tab 3. Transmittal letter attachments
- Tab 4. Certificate of Service
- Tab 5. Supporting Documentation (Penalty Calculation Worksheets, BEN, Weekly Report)
- Tab 6. Addressed Envelopes

	INITIALS	DATE	CONCUR	CONCUR WITH MODIFICATIONS
1. RCRA ASSIGNEE Diane M. Sharrow	<i>[Signature]</i>	10/27/8	✓	<i>[Signature]</i> 10/27/09
2. RCRA SECTION CHIEF Lorna M. Jereza	<i>[Signature]</i>	3/5/09	✓	<i>[Signature]</i> Lorna M. Jereza w/ corrections
3. ASST. REG. COUNSEL Mark Palermo	<i>[Signature]</i>	1/13/10	✓	<i>[Signature]</i>
4. ORC SECTION CHIEF Catherine Fox	<i>[Signature]</i>	1/14/10	✓	<i>[Signature]</i>
5. ORC BRANCH CHIEF Eric Cohen (As Applicable) <i>NA</i>				
6. REGIONAL COUNSEL Robert A. Kaplan (As Applicable) <i>NA</i>				
7. RCRA BRANCH CHIEF Willie H. Harris, P.E.				
8. LCD DIVISION DIRECTOR Margaret M. Guerriero				

The LCD Division Director will return the administrative complaint to the RCRA Assignee for corrections, if necessary, or to the Branch Admin. Program Assistant, if signed.

PART III. Filing and Distribution-

RCRA Branch

Date filed with Regional Hearing Clerk: _____ Initials: _____

RCRA Section

Date mailed to Registered Agent: _____ Initials: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 25 2011

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL 7009 1680 7665 2391
RETURN RECEIPT REQUESTED

Mr. Peter J. Miller
Attorney at Law
Gordon Rappold & Miller LLC
20 South Clark Street
Suite 2600
Chicago, Illinois 60603

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Eagle Electronics
EPA I.D. No.: ILD 981 088 800

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Sincerely,

Gary J. Victorine
Acting Chief, RCRA Branch
Land and Chemicals Division

Enclosure

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Peter J. Miller
Attorney at Law
Gordon Ruppel + Miller LLC
20 South Clark Street
Suite 2600
Chicago, Illinois 60603

2. Article Number

7009 1680 0000 7665 2391

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

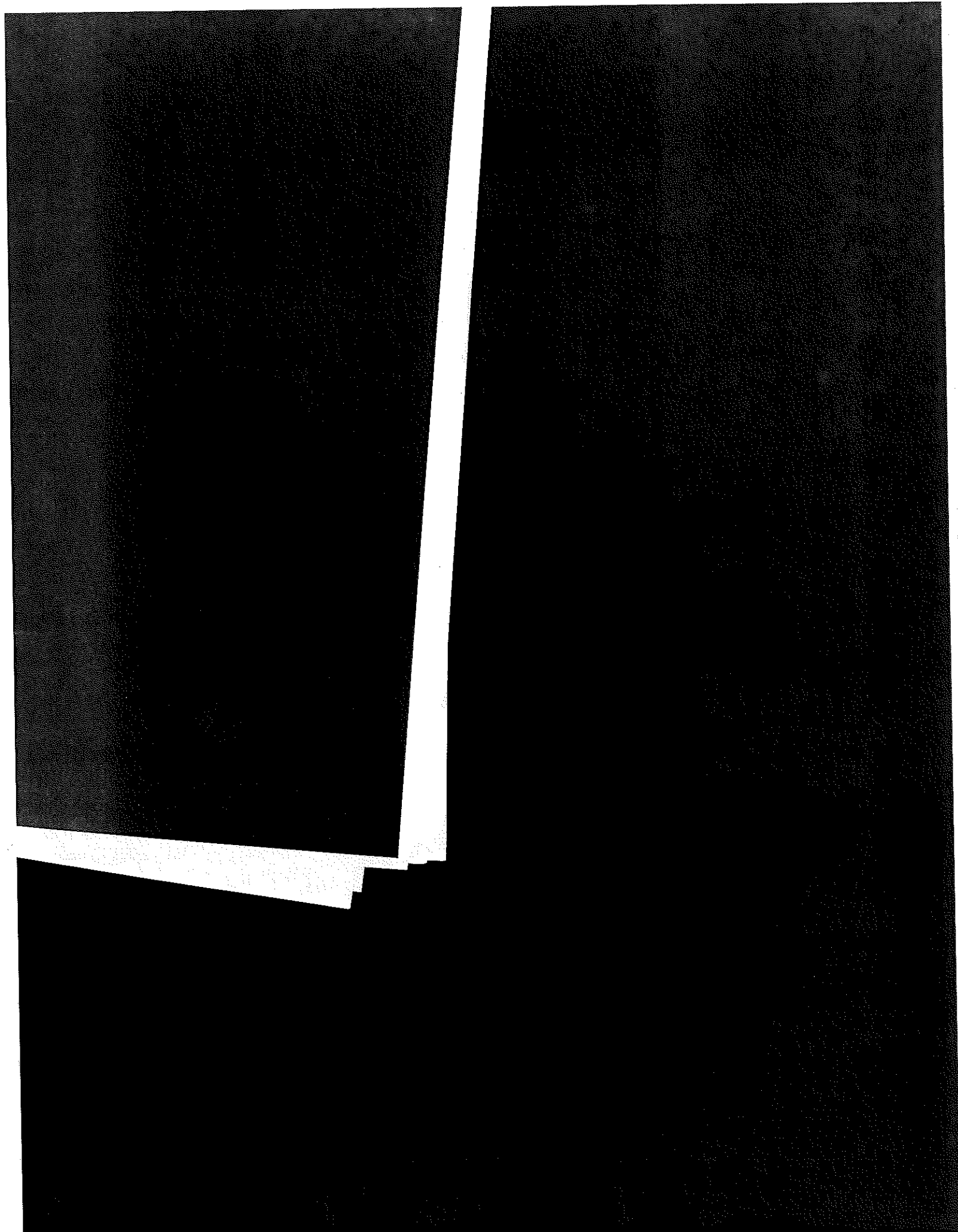
☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DIANE STANCO
USPTA (42-85)
77 W Jackson Blvd
CHICAGO, IL 60604